

1                                   **JUDICIAL CONFIRMATION PROCESS**

2   **AMENDMENTS**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: D. Chris Buttars**

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7   **LONG TITLE**

8   **General Description:**

9                   This bill modifies provisions relating to the information the Senate receives regarding  
10 gubernatorial judicial appointees.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ requires the governor to provide the Senate Judicial Confirmation Committee with  
14 the same information provided the governor by the Judicial Nominating  
15 Commission;

16                   ▶ requires the governor to provide any letters received regarding the judicial appointee  
17 unless the letter directs that it may not be shared; and

18                   ▶ establishes that the Senate Judicial Confirmation Committee may classify records it  
19 receives from the governor as private in accordance with Section 63-3-302.

20 **Monies Appropriated in this Bill:**

21                   None

22 **Other Special Clauses:**

23                   None

24 **Utah Code Sections Affected:**

25 AMENDS:

26                   **67-1-2**, as last amended by Chapter 196, Laws of Utah 1992



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **67-1-2** is amended to read:

30 **67-1-2. Sending list of gubernatorial nominees to Senate and to Office of**  
 31 **Legislative Research and General Counsel.**

32 (1) Unless waived by a majority of the president of the Senate, the Senate majority  
 33 leader, and the Senate minority leader, 15 days before any Senate session to confirm any  
 34 gubernatorial [~~nominees;~~] nominee, except a judicial appointment, the governor shall send to  
 35 each member of the Senate and to the Office of Legislative Research and General Counsel:

36 (a) a list of each nominee for an office or position made by the governor in accordance  
 37 with the Utah Constitution and state law; and

38 (b) any information that may support or provide biographical information about the  
 39 nominee, including resumes and curriculum vitae.

40 (2) When the governor makes a judicial appointment, the governor shall immediately  
 41 provide to the president of the Senate and the Office of Legislative Research and General  
 42 Counsel:

43 (a) the name of the judicial appointee; and

44 (b) the judicial appointee's:

45 (i) resume;

46 (ii) complete file of all the application materials the governor received from the  
 47 Judicial Nominating Commission; and

48 (iii) any other related documents, including any letters received by the governor about  
 49 the appointee, unless the letter specifically directs that it may not be shared.

49a **§ (3) THE GOVERNOR SHALL INFORM THE PRESIDENT OF THE SENATE AND THE OFFICE OF**  
 49b **LEGISLATIVE RESEARCH AND GENERAL COUNSEL THE NUMBER OF LETTERS WITHHELD**  
 49c **PURSUANT SUBSECTION (2)(b)(iii).**

50 ~~[(3)]~~ (4) § ~~H~~ ~~[Records]~~ (a) **LETTERS OF INQUIRY SUBMITTED BY ANY JUDGE AT THE**  
 50a **REQUEST OF ANY JUDICIAL NOMINATING COMMISSION SHALL BE CLASSIFIED AS PRIVATE IN**  
 50b **ACCORDANCE WITH SECTION 63-2-302; AND**

50c (b) **ALL OTHER RECORDS** ~~h~~ received § ~~[by the Senate Judicial Confirmation Committee]~~ §  
 50d from the

51 governor pursuant to this section may be classified as private in accordance with Section  
 52 63-2-302.

53 ~~[(2)]~~ § ~~[(4)]~~ (5) § The Senate shall consent or refuse to give its consent to the nomination or  
 54 judicial appointment.

**Legislative Review Note**  
as of 1-27-04 4:55 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0150**

**Judicial Confirmation Process Amendments**

*02-Feb-04*

*10:54 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**